

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

The Village of Arlington Heights	)	
	)	T08-0154
Petitioner,	)	
	)	(proposed consolidation with T07-
	)	0073)
v.	)	
	)	
Union Pacific Railroad and the	)	
Department of Transportation of the	)	
State of Illinois	)	
	)	
Respondents.	)	

Petition for an Order of the Illinois  
Commerce Commission, pursuant to  
625 ILCS 5/18c-7401, allowing  
modification to grade crossing at  
Arthur Avenue and E. Davis Street.


**NOTICE OF MOTION**

**TO: SEE ATTACHED CERTIFICATE OF SERVICE**

**PLEASE TAKE NOTICE** that on November 10, 2008, the undersigned caused to be filed with the Clerk of the Court in the above-captioned matter, the Village of Arlington Heights' **MOTION TO CONSOLIDATE CASE NO. T08-0154 WITH CASE NO. T07-0073**, a copy of which is herewith served upon you..

Dated: November 10, 2008

Respectfully submitted,  
VILLAGE OF ARLINGTON  
HEIGHTS, a municipal corporation,  
Petitioner

By:   
One of Its Attorneys

JACK M. SIEGEL  
ADAM M. KINGSLEY  
Holland & Knight LLP (#37472)  
131 South Dearborn Street, 30th Floor  
Chicago, Illinois 60603  
(312) 263-3600

**CERTIFICATE OF SERVICE**

I, **ADAM M. KINGSLEY**, an attorney, on oath state that the foregoing Village of Arlington Heights' **MOTION TO CONSOLIDATE CASE NO. T08-0154 WITH CASE NO. T07-0073**, and respective **NOTICE OF MOTION** was served upon the below-named counsel(s):

VIA ELECTRONIC MAIL:

Mack H. Shumate, Jr.  
Union Pacific Railroad Company  
101 N. Wacker Drive, Suite 1920  
Chicago, IL 60606  
Email: [mackshumate@up.com](mailto:mackshumate@up.com)

Douglas G. Felder,  
Special Assistant Attorney General  
Douglas G. Felder, P.C.  
203 North LaSalle Street, Suite 2300  
Chicago, IL 60601  
Email: [dougfelder@aol.com](mailto:dougfelder@aol.com)

Lance T. Jones, Deputy Chief Counsel  
Illinois Department of Transportation  
2300 South Dirksen Parkway, Suite 311  
Springfield, IL 62764  
Email: [lance.jones@illinois.gov](mailto:lance.jones@illinois.gov)

Christine Reed  
Director of Highways – IDOT  
Attn: Jeff Harpring, Room 205  
2300 South Dirksen Parkway  
Springfield, IL 62764  
Email: [jeff.harpring@illinois.gov](mailto:jeff.harpring@illinois.gov)

Ellen Schanzle-Haskins  
Chief Counsel – IDOT  
2300 South Kirksen Parkway, Room 300  
Springfield, IL 62764  
Email: [ellen.schanzle-haskins@illinois.gov](mailto:ellen.schanzle-haskins@illinois.gov)

on this 10<sup>th</sup> day of November, 2008.



---

Adam M. Kingsley

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

The Village of Arlington Heights	)	
	)	T08-0154
Petitioner,	)	
	)	(proposed consolidation
v.	)	with T07-0073)
	)	
Union Pacific Railroad and the Department	)	
of Transportation of the State of Illinois	)	
	)	
Respondents.	)	

Petition for an Order of the Illinois Commerce  
Commission, pursuant to 625 ILCS 5/18c-7401,  
allowing modification to grade crossing at  
Arthur Avenue and E. Davis Street.

**MOTION TO CONSOLIDATE CASE NO. T08-0154 WITH CASE NO. T07-0073**

The Village of Arlington Heights ("Village"), now moves to consolidate this matter, its  
Petition to Allow Modification of Railroad Crossing, with Case No. T07-0073, currently pending  
before the Commission. In support, the Village states as follows:

1. Case No. T07-0073 is a request by the Illinois Department of Transportation for  
an order approving the use of eminent domain. The property that the Department seeks to acquire  
is owned by Union Pacific and is necessary to carry out planned improvements to the US 14 /  
East Davis Street / Arthur Avenue intersection in Arlington Heights.

2. This matter, Case. No. T08-0154, was filed by the Village of Arlington Heights.  
In this matter, the Village seeks an Order allowing modifications to the US 14 / East Davis Street  
/ Arthur Avenue railroad crossing so that the Department and the Village may carry out the  
planned intersection improvements.

3. Both cases involve matters relating to the planned improvement of the intersection and railroad crossing. Matter T07-0073 involves land acquisition. This matter involves modification of the railroad crossing. Counsel for Union Pacific has suggested that these two matters should be considered by the Commission together. Counsel for the Department and the Village do not oppose this suggestion.

WHEREFORE, the Village asks:

1. That its Petition regarding modification of the intersection (Case No. T08-0154) be consolidated with the matter concerning the Department's acquisition of property (Case No. T07-0073).

2. That the scheduled date of November 19, 2008 (10:00 a.m.) in Chicago, Illinois be kept as a status date with respect to the consolidated matters, and that counsel appear before the hearing office at that date so that a schedule and hearing date may be set on these matters.

Dated: November 10, 2008.

Respectfully submitted,

VILLAGE OF ARLINGTON HEIGHTS, a  
municipal corporation, Petitioner,

By h n  
One of Its Attorneys

JACK M. SIEGEL  
ADAM KINGSLEY  
Holland & Knight LLP (#37472)  
131 S. Dearborn Street  
Chicago, IL 60603  
312/578-6530